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OFFICE OF PETITIONS

In re Application of :
Mark John Riches et al :
Application No. 09/701,559 : DECISION ON PETITION
Filed: February 5, 2001 :
Attorney Docket No. 09813970-1040 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 28, 2007, to revive the above-identified application.

The petition is **GRANTED**.

A Notice of Abandonment was mailed on April 28, 2006, holding this application abandoned for failure to timely pay the issue fee on or before June 21, 2005, as required by the Notice of Allowance and Fee(s) Due, mailed March 21, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,400, (2) the petition fee of \$1,500, and (3) a proper statement of unintentional delay. Accordingly, the issue fee is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37


CFR 1.137(b) was unintentional, petitioner must notify the Office.

Petitioner has submitted \$300 for the publication fee. However, as this application did not publish, no publication is due or was required by the Notice mailed March 21, 2005. Accordingly, the \$300 fee will be refunded to petitioner's credit card in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

A review of this application disclosed that the oath submitted on February 5, 2001 in reply to a "Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), mailed January 3, 2001, did not include the signature of inventor Mark John Riches. In response to a telephone call from the undersigned on May 17, 2007, an executed declaration by inventor Riches was received on May 21, 2007.

This application is being referred to PCT for such further action as may be necessary regarding the oath filed on May 21, 2007.


Frances Hicks
Petitions Examiner
Office of Petitions